

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ENOCK ELUMBA,

Plaintiff,

v.

No. 23-cv-00315-KG-GBW

THE BOARD OF COUNTY
COMMISSIONERS OF THE
COUNTY OF BERNALILLO, *et al.*,

Defendants.

ORDER OF DISMISSAL

This matter is before the Court *sua sponte* upon review of the docket.

Plaintiff Enock Elumba commenced this case on April 12, 2023, by filing a Letter Regarding Civil Rights Claims (Doc. 1) (Letter). The Letter indicated that Plaintiff wished to file a 42 U.S.C. § 1983 civil rights complaint. The Clerk's Office mailed a blank civil rights complaint and a blank motion to proceed *in forma pauperis* to Plaintiff on April 13, 2023. The mail was returned as undeliverable on April 24, 2023. (Doc. 2). On July 19, 2023, the Court entered an Order to Cure Deficiencies requiring Plaintiff to return the completed civil rights complaint, address the filing fee, and provide the Court with his updated mailing address, as required by D.N.M. LR-Civ. 83.6, within thirty days. (Doc. 4). The Court advised Plaintiff that the failure to timely comply would result in dismissal of this case without further notice. Plaintiff did not comply with or respond to the Court's Order, and the deadline within which he was required to do so has now passed. This case will therefore be dismissed without prejudice under Fed. R. Civ. P. 41(b) for "failure to prosecute [and] comply with the ... court's orders." *Olsen v. Mapes*, 333 F.3d 1199, 1204 n. 3 (10th Cir. 2003).

IT IS THEREFORE HEREBY ORDERED that:

- (1) This case is DISMISSED without prejudice.
- (2) A final judgment will be entered separately.


UNITED STATES DISTRICT JUDGE